

Entered 04-21-04 sb
CL 04L0260 GWENDOLYN BURNS

04-R -1222

CLAIM OF: CHERYL E. MAIORANO
4420 Quail Ridge Way
Norcross, Georgia 30092

For damages alleged to have been sustained when a March of Dimes banner shattered the windshield of a vehicle on April 5, 2004 at 3565 Piedmont Road, NE.

THIS ADVERSED REPORT IS
APPROVED

BY:

JERRY L. DELOACH
DEPUTY CITY ATTORNEY

ADVERSE REPORT

PUBLIC SAFETY &

LEGAL ADMINISTRATION COMMITTEE

DATE:

7/13/04

CHAIR:

[Signature]

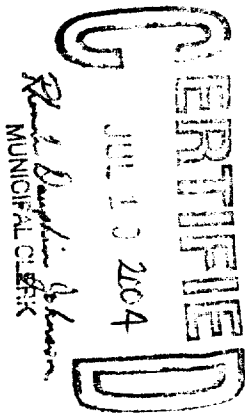
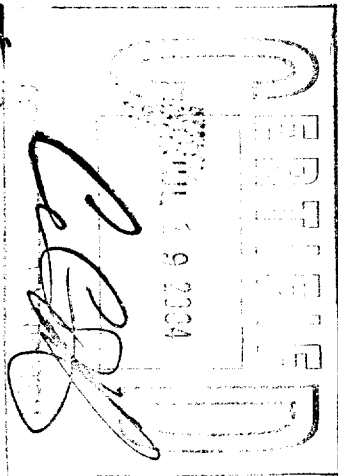
Mary Norwood

C.T. Moore

James Smith

Carla Smith

Clara Thomas



ANYCOUNCIL JUL 13 2004



OFFICE OF MUNICIPAL CLERK

RHONDA DAUPHIN JOHNSON, CMC
MUNICIPAL CLERK

July 26, 2004

55 TRINITY AVENUE, S.W.
SECOND FLOOR, EAST
SUITE 2700
ATLANTA, GEORGIA 30335
(404) 330-6033
FAX (404) 658-6103

Cheryl E. Maiorano
4420 Quail Ridge Way
Norcross, GA 30092

04-R-1222

Dear Ms. Maiorano:

I sincerely regret that you have been adversely affected by the circumstances raised in your claim for damages against the City of Atlanta. Your time and patience in this matter has been greatly appreciated.

However, I must notify you that the Atlanta City Council Adopted an Adverse Report on your claim at its regular meeting on July 19, 2004. In consultation with the City's Law Department, who conducted an investigation of the situation, the Council has determined that the City cannot accept responsibility for this matter and therefore cannot pay this claim.

If you desire any further information, please contact the **City Attorney's Office/Claims Division** at (404) 330-6400.

Yours very truly,

Rhonda Dauphin Johnson, CMC
Municipal Clerk

cc: Claims Division/Law Department

DEPARTMENT OF LAW - CLAIM INVESTIGATION SUMMARY

Claim No. 04L0260

Date: June 29, 2004

Claimant /Victim CHERYL E. MAIORANO
BY: (Atty) (Ins. Co.) _____
Address: 4420 Quail Ridge Way, Norcross, Georgia 30092
Subrogation: _____ Claim for Property damage \$ 2,676.87 Bodily Injury \$ _____
Date of Notice: 4/19/04 Method: Written, Proper X Improper _____
Conforms to Notice: O.C.G.A. §36-33-5 _____ Ante Litem (6 Mo.) _____
Date of Occurrence 4/5/04 Place: 3565 Piedmont Road, NE
Department PUBLIC WORKS Division: Transportation Services
Employee involved _____ Disciplinary Action: _____

NATURE OF CLAIM: Claimant alleges that she sustained vehicular damages when a March of Dimes banner fell from a pole and shattered her windshield. However, an investigation determined that the March of Dimes is responsible for the fallen banner and not the City of Atlanta. The claimant has been so advised and her claim has been forwarded to the March of Dimes for resolution.


INVESTIGATION:

Statements: City employee _____ Claimant _____ Others _____ Written _____ Oral _____
Pictures X Diagrams _____ Reports: Police _____ Dept Report X Other X
Traffic citations issued: City Driver _____ Claimant Driver _____
Citation disposition: City Driver _____ Claimant Driver _____

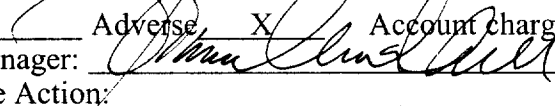
BASIS OF RECOMMENDATION:

Function: Governmental _____ Ministerial _____
Improper Notice _____ More than Six Months _____ Other X Damages reasonable _____
City not involved X Offer rejected _____ Compromise settlement _____
Repair/replacement by Ins. Co. _____ Repair/replacement by City Forces _____
Claimant Negligent _____ City Negligent _____ Joint _____ Claim Abandoned _____

Respectfully submitted,


INVESTIGATOR - WENDOLYN BURNS

RECOMMENDATION:

Pay \$ _____ Adverse X Account charged: 1A01 _____ 2P01 _____ 2J01 _____ 2H01 _____
Claims Manager:  Concur/date 7/6/04
Committee Action: _____ Council Action _____

RCS# 5906
7/19/04
2:07 PM

Atlanta City Council

Regular Session

CONSENT I CONSENT I PG(S) 1-9, EXCEPT: 04-R-1241

ADOPT

YEAS: 14
NAYS: 0
ABSTENTIONS: 0
NOT VOTING: 0
EXCUSED: 0
ABSENT 1

Y Smith	Y Winslow	Y Shook	Y Martin	Y Mitchell
Y Starnes	Y Archibong	Y Muller	Y Maddox	Y Norwood
Y Young	Y Fauver	Y Moore	B Mosley	Y Willis

CONSENT I

7-19-04 Council Meeting	
ITEMS ADOPTED ON CONSENT	ITEMS ADVERSED ON CONSENT
1. 04-O-1154 2. 04-O-1156 3. 04-O-0765 4. 04-O-1249 5. 04-O-1263 6. 04-O-1034 7. 04-O-1265 8. 04-O-1266 9. 04-O-1264 10. 04-O-1151 11. 04-O-1262 12. 04-O-1157 13. 04-O-1269 14. 04-R-1044 15. 04-R-1049 16. 04-R-1219 17. 04-R-1290 18. 04-R-1210 19. 04-R-1289 20. 04-R-1215 21. 04-R-1216 22. 04-R-1217 23. 04-R-1218 24. 04-R-1232 25. 04-R-1233 26. 04-R-1234 27. 04-R-1235 28. 04-R-1236 29. 04-R-1237 30. 04-R-1238 31. 04-R-1239 32. 04-R-1240	33. 04-R-1222 34. 04-R-1223 35. 04-R-1224 36. 04-R-1225 37. 04-R-1226 38. 04-R-1227 39. 04-R-1228 40. 04-R-1229 41. 04-R-1230 42. 04-R-1231